

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 4TH APRIL 2007 / 14TH CHAITHRA 1929

WP(C).No. 32299 of 2006(T)

PETITIONER:

- 1. ABDUL RAHMAN T.M.,
SECURITY GUARD, COCHIN UNIVERSITY OF
SCIENCE & TECHNOLOGY, KALAMASSERY, COCHIN-22,
ERNAKULAM DISTRICT.**
- 2. KARTHIKIYAN K.K., SECURITY GUARD,
COCHIN UNIVERSITY OF SCIENCE & TECHNOLOGY,
KALAMASSERY, COCHIN-22, ERNAKULAM DISTRICT.**

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:

- 1. COCHIN UNIVERSITY OF SCIENCE &
TECHNOLOGY (CUSAT), REPRESENTED BY ITS
VICE CHANCELLOR, COCHIN UNIVERSITY OF SCIENCE &
TECHNOLOGY, KALAMASSERY, COCHIN-22.**
- 2. THE REGISTRAR, COCHIN UNIVERSITY
OF SCIENCE & TECHNOLOGY, KALAMASSERY,
COCHIN-22.**
- 3. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT, DEPARTMENT OF
HIGHER EDUCATION, SECRETARIAT,
LTHIRUVANANTHAPURAM.**

ADDITIONAL RESPONDENT

DR.R.SASIDHARAN

PROFESSOR

DEPT. OF HINDI

KOCHI UNIVERSITY OF SCIENCE & TECHNOLOGY

KOCHI-22

(Impleaded vide judgment dated 4-4-07)

BY ADV. SRI.A.A.ABUL HASSAN,SC,COCHIN UNIVERSIT

SRI.S.P.ARAVINDAKSHAN PILLAY

SRI.K.A.BALAN

SRI.PETER JOSE CHRISTO

SRI.S.A.ANAND

ADVOCATE GENERAL SRI.C.P.SUDHAKARA PRASAD

GOVT.PLEADER SRI.A.J.VARGHESE

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 04/04/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	TRUE COPY OF THE U.O.NO.AD.A3/2274/80 DTD. 17-7-81
EXT.P2	TRUE COPY OF THE RELEVANT PART OF THE MINUTES DTD. 28-3-05
EXT.P3	TRUE COPY OF THE CIRCULAR DTD. 27-9-05
EXT.P4	TRUE COPY OF THE CIRCULAR DTD. 20-2-06
EXT.P5	TRUE COPY OF THE CIRCULAR DTD. 24-6-06
EXT.P6	TRUE COPY OF THE INTERVIEW MEMO DTD. 6-11-06 ISSUED TO THE FIRST PETITIONER.
EXT.P7	TRUE COPY OF THE INTERVIEW MEMO DTD. 6-11-06 ISSUED TO THE SECOND PETITIONER.
EXT.P8	TRUE COPY OF THE NEWSPAPER REPORT WHICH APPEARED IN MATHRUBHUMI DAILY KOCHI EDITION DTD. 21-11-06
EXT.P9	TRUE COPY OF THE JUDGMENT IN W.P.C.NO.29746/05
EXT.P10	TRUE COPY OF THE RELEVANT PAGES OF THE SSLC BOOK OF THE FIRST PETITIONER.
EXT.P11	TRUE COPY OF THE RELEVANT PAGES OF THE SSLC BOOK OF THE SECOND PETITIONER.
EXT.P12	TRUE COPY OF THE LETTER DTD. 14-11-06 SUBMITTED BY DR.R.SASIDHARAN
EXT.P13	TRUE COPY OF THE LETTER DTD. 11-12-06 TOGETHER WITH INFORMATION ISSUED BY JOINT REGISTRAR (ACADEMIC) COCHIN UNIVERSITY.

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

W.P.(C).No.32299 OF 2006

Dated this the 4th day of April, 2007

JUDGMENT

Case of the petitioner in brief is as follows:

Petitioners are working as Security Guards. Their next promotion post is the post of Sergeant. Ext.P1 is the order of the University by which among other qualifications S.S.L.C. is a qualification prescribed for holding the post of Sergeant. Some of the persons who were not qualified made a request for variation of the method of appointment, which is turned down by the statutory finance committee by Ext.P2. Ext.P3 was issued calling for applications. Files were missing as evident from Ext.P4. Subsequently, Ext.P5 circular was issued again whereby applications were again invited from the persons for appointment to the post of Sergeant from qualified security guards. Petitioners applied and they were served with Exts.P6 and P7 interview

memos. Ext.P8 is the newspaper report indicating that interview is postponed. It is on account of the instigation and pressure exerted by a few employees. It is the case that a syndicate member who belongs to SC/ST should participate in the selection committee as per the existing norms and the said member was persuaded to abstain from the committee. Ext.P9 is the judgment of this court upholding the validity of the existing system. Ext.P9 has become final to the knowledge of the petitioner.

2. The prayer in the writ petition is to direct respondents 1 and 2 to complete the selection on the basis of Ext.P5 circular within a time frame.

3. Counter affidavit is filed by the University, wherein it is interalia stated that the post of Sergeant is to be filled up by direct recruitment for which if suitable candidates are available in the University, advertisement may be dispensed with. It is stated that there are no appeals against Ext.P9 judgment. It is further stated as follows:

“ The selection committee for selection to the

post of Sergeant was constituted by the Vice Chancellor on 02-11-2006. The members of the Selection Committee are:

- 1) The Pro Vice-Chancellor (Chairman)
- 2) Dr.R.Sasidharan, Syndicate Member
- 3) Dr.Sudarsanan Pillai, Syndicate member

The date of interview was fixed as 21-11-2006 and intimations were sent to candidates on 06-11-2006. But the interview scheduled had to be postponed due to the inconvenience of Dr.R.Sasidharan to attend the selection committee on 21-11-2006, which was informed by him to the University, by letter dated 14-11-2006. The new date for the interview is yet to be fixed by the University.

There has been no attempt by the University to delay the selection process. The delay has occurred on account of certain factors beyond the control of the University. With respect to the averments in para 11 regarding the qualifications of the petitioners it is mentioned that the same is not in dispute. But the procedure is a fresh selection process and the University has already intimated the process.

4. In fact, it is the common case that additional party respondent Dr.R.Sasidharan who was a member of the syndicate and belongs to SC/ST community has ceased to be the member of the syndicate.

5. Learned counsel for the University Sri.A.A.Abul Hassan submits that another member who belongs to SC/ST community is available in the syndicate and the Vice-Chancellor will nominate him. He would submit the entire process of selection on the basis of Ext.P5 will be completed within a period of one month from the date of receipt of a copy of this judgment.

Recording the above submissions, the writ petition is disposed of directing respondents 1 and 2 to complete the selection process on the basis of Ext.P5 within a period of one month from the date of receipt of a copy of this judgment.

**K.M.JOSEPH
JUDGE**

SV.

